



STATE OF UTAH

UTAH SUBSTANCE ABUSE AND ANTI-VIOLENCE COORDINATING COUNCIL

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Meeting Notes **USAAV DUI COMMITTEE**

Tuesday, June 10
1:30 pm to 3:00 pm

Room 129
State Capitol Building

Present: David Beech, Paul Boyden, Susan Burke, Neil Cohen, Mary Lou Emerson, Teri Pectol, Gail Johnson, Sheriff Kirk Smith, Norma Tabish, Anna Kay Waddoups, Sen. Carlene Walker

Guests: Jaynie Brown, Ashley Broughton, Dr. Ed Byrnes, Gail Cameron, Dr. Caren Frost, Slade Gurr, Ryan Nielsen, Sgt. Dennis Simonson, Norma Tabish, Tasha Williams

I. Welcome & Chair's Report

Anna Kay Waddoups

- **USAAV 2003-2004 Council Priorities**

Anna Kay Waddoups welcome everyone and reported that Bart Blackstock, Rick Schwermer and Nora B. Stephens asked to be excused. The USAAV Council adopted the DUI Committee's priorities for the coming year. Each committee will have flexibility to take on additional issues as they arise; however, they are cautioned to remain focused.

- **MADD recognition awards**

MADD held a luncheon to recognize many individuals for their contributions to combating DUI. Many on this committee were recognized and were congratulated.

- **Schedule for future presentations**

Susan Burke reported we would need to double-up on presentations and begin meeting each month in order to get through each agency before October when we report to the Legislature. (See meeting schedule at the end of notes.)

II. Director's Report

Susan Burke

- **Local Alcohol Funds & Beer Tax Update**

USAAV is sending out a letter to each municipality outlining their compliance with the state's requirement to report to USAAV annually on how their beer tax funds were expended. The letter will go to the local government leader, with a copy sent to their state legislators. The letter will also provide an estimate of their allocation for the coming year once the legislature appropriates the funds. So far, 40 communities have failed to submit their report to USAAV. The Council at their July 9 meeting will be asked to disqualify these communities from future funding if they are out of compliance.

Sheriff Smith stated it was critical to get the beer tax funds to the local level because it supports critical enforcement and treatment services. Susan stated that Utah is one of only nine states that use the tax revenues to fund prevention, treatment, detection and prosecution.

- **Legislative DUI Report**

USAAV is responsible for providing an annual report on DUI data to the Judiciary and Transportation Interim Committees in October.

Action: Susan will be contacting agencies to help collect data for the report. An outline of the report will be presented at the August DUI Committee meeting.

- **DUI Laws Comparison Study Update**

CCJJ's intern who was working on this topic left the office. A replacement will begin July 1 and will resume this effort.

- **DUI Best Practices Manual**

The Sentencing Commission has completed the manual and is waiting for final comments (due June 16) before sending the manual to press. Members will all receive a copy.

III. Office of Highway Safety Presentation

David Beech

- **DUI Adjudication Study**

Dr. Caren Frost & Dr. Ed Byrnes

Dr. Caren Frost is the principal investigator for the DUI Adjudication Study. They are currently one year into the study. The goals of the study are to (1) develop a basic description of people who drive under the influence in Utah; (2) determine the Driver License' response to DUI and alcohol related reckless driving, and (3) analyze the criminal justice system's response to these crimes during the adjudication/sanction legal process.

During the study's first year, they collected 10 years' worth of court data. They have reformatted the data and coded it so that analysis could be conducted. They are also working on several reports and will provide completed copies to the committee. Some preliminary findings:

- 19% recidivism rate for first time offenders
- 5% will recidivate more than two times
- More punitive sanctions were associated with repeat offenders
- Treatment and education sanctions were associated with a less likelihood of recidivism. Therefore, more emphasis should be placed on this sanction.

Unfortunately, the study is unable to develop a demographic profile of offenders since much of that data is not collected. The next phase of the study is to review case files in district courts and write up final reports from phase I.

Action: David Beech will identify when it would be appropriate for the researchers to come and present again to the committee with additional findings.

- **Agency Programs**

Teri Pectol

Teri shared water bottles and activities that were done as part of outreach to youth for DUI prevention. The sticker shock program proved to be undoable. Instead, they will be working with SLCC graphic artist students to design liquor store bags with information about sanctions for providing alcohol to minors. The office is also participating with Public Safety in the national campaign, "You Drink and Drive, You Lose!" Utah's campaign will begin June 27-July 27.

The Office is also providing underage alcohol enforcement trainings. The classes have been well received and are always full.

Teri was informed that the Utah Supreme Court has ruled that checkpoints are a violation of individual's civil rights. Instead, saturation patrols will be conducted. After some discussion, it was believed that checkpoints for the purpose of detecting drugs are a violation, but checkpoints for the purpose of checking for traffic violations are not.

Action: Susan will conduct research into the checkpoint issue to determine how the Supreme Court ruling should be interpreted and applied.

IV. Roadside Saliva Testing Pilot Project

Sgt. Dennis Simonson

Sgt. Simonson presented on new technology that would allow for roadside drug testing of suspected DUI drivers utilizing saliva samples. It is estimated that at least 58% of reckless drivers are drug impaired. He would like the committee to consider changing state law to allow the taking of saliva so that an additional test would not have to be performed to support the charge of DUI. Currently state law only allows breath, blood and urine tests.

Action: *Paul agreed to consider how the statute might need to be changed to accommodate saliva testing. There may still be problems with proving impairment.*

V. DUI Legislation

Paul Boyden

- Supplying Alcohol to Minors

Norma Tabish

Norma Tabish requested that the committee consider strengthening Utah's contributing alcohol to minors law, particularly for second time offenders or when the contributing results in a death. Her son, JJ, was 17-years-old when he and a friend were killed October 8, 2002 in a DUI-related automobile crash. Ms. Tabish later learned that 35-year-old Jason Spencer supplied the alcohol to the boys. Mr. Spencer's father then ordered the boys out of the house. Drunk, the boys drove away and later died in the crash. Mr. Spencer was arrested and charged with two Class A misdemeanors, meaning he could face up to a year in jail for each charge. On June 4 he pled not guilty.

Action: *The Committee agreed to make this a priority issue and further investigate how to amend the law with Paul providing the direction. The issue of causation will be the challenge.*

- Code Clarification Process

Paul reported that Rick Schwermer has corrected the language. There are also two additional bills that SWAP wants to transfer to the Committee.

Action: *Paul will bring draft bills to the next meeting for committee review and input. Rick will present the revised language.*

VI. Other Business

- BAC Testing in Fataals

This item was deferred until the next meeting.

Anna Kay reported that the recent issue of *Good Housekeeping* magazine has an article about DUI with requests for individuals to send in a form supporting a national DUI law.

Schedule of meetings

Because we need to be prepared for the October Interim Report, we will need to double-up on presentations from agencies. The schedule for meetings is as follows:

- July 8 at 10 am: Courts and Department of Public Safety
- August 12 at 1:30 pm: Driver License and Chiefs & Sheriff
- September 9 at 1:30 pm: Division of Substance Abuse & Mental Health and Utah State Office of Education